THE HYDERABAD PUBLIC SECURITY MEASURES ACT, 1951.

No. XXIX OF 1951.

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*THE HYDERABAD PUBLIC SECURITY MEASURES ACT, 1951.

No. XXIX OF 1951.

An Act to amend the law relating to public safety, maintenance of public order and the preservation of peace and tranquillity in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to amend the law relating to public safety, maintenance of public order and the preservation of peace and tranquility in the State of Hyderabad;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Public Security Measures Act, 1951.

(2) It shall extend to the whole of the Hyderabad State and shall come into force from the date of its publication in the Jarida.

Power to make orders restricting movements or actions of persons.

2. (1) The State Government may, if it is satisfied in respect of any person that in the interests of the general public it is necessary to do so make an order—

(*a*) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in the State as may be specified in the order;

(*b*) requiring him to reside or remain in such place or within such area in the State as may be specified in the order and, if he is not already there, to proceed to that place or area within such time as may be specified in the order;

(*c*) requiring him to notify his movements or to report himself or to do both in such manner, at such time and to such authority or person, as may be specified in the order;

(*d*) imposing upon him such restrictions as may be specified in the order, in respect of his employment or business or dealings with other persons;

(*e*) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order.

(2) No order under sub-section (1) shall be made directing the exclusion or removal from the State of any person ordinarily resident in the State.

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(3) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond with or without sureties, for the due observance of the restrictions or conditions specified in the order.

(4) If any person is found in any area or place in contravention of an order made under the provisions or this section, or fails to leave any area or place in accordance with the requirements of such order, he may without prejudice to the provisions of sub-section (5) be removed by any police officer from such area or place.

(5) If any person contravenes any order made under this section he shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (3), his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

Contents and duration of the order under sub-section (1) of section 2.

3. (1) An order under sub-section (1) of section 2 in respect of any person, shall be served on that person and shall—

(*a*) specify the grounds on which it is issued and such other particulars, if any, as may have a bearing on the necessity therefor ; and

(*b*) fix a period of ten days for the person against whom the order is made to make a representation to the State Government in respect of the issue of the order.

(2) No order against any person under sub-section (1) of section 2 shall remain in force for a longer period than three months unless an Advisory Board constituted under sub-section (2) of section 4 has reported under sub-section (3) of that section before the expiration of the said period.

(3) Nothing in sub-section (1) shall require the State Government to disclose any facts which it considers to be against the public interest to disclose.

Constitution of the Advisory Board and the procedure for consideration by the Board of order under sub-section (1) of section 2.

4. (1) After the expiry of the time fixed in the order for the making of representation in respect of the issue thereof, the State Government shall place before an Advisory Board constituted under sub-section (2) a copy of the order and also of the representation, if any, received before such expiry.

(2) The State Government shall, whenever necessary constitute one or more Advisory Boards and each such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of the High Court, and one of them shall be its Chairman. The Chairman and the other members of each Board shall be appointed by the State Government.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information as it may deem fit from the State Government, the person against whom the order is made or any other person, submit its report to the State Government.

(4) The report of the Advisory Board shall specify in a separate part thereof its opinion or that of the majority of its members as to whether or not there was sufficient cause for the issue of the order in respect of the person concerned.

(5) Nothing in this section shall entitle any person to attend in person or to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part thereof in which its opinion or that of the majority of its members is specified, shall be confidential:

Provided that the Advisory Board may, if it thinks fit, permit the person against whom the order under sub-section (1) of section 2 has been made, to appear in person but not by a legal practitioner before the Board at any stage of the proceedings referred to in this sub-section.

(6) After considering the report of the Advisory Board, the State Government may confirm, modify or cancel the order, under sub-section (1) of section 2, stating (except where the order is cancelled) the period during which the order as confirmed or modified shall remain in force.

Imposition of collective fine.

5. (1) If it appears to the State Government that the inhabitants or any class or section of inhabitants of any area are concerned in or are abetting the commission of offences resulting or likely to result in death or grievous hurt or loss of or damage to property, or are harbouring persons concerned in the commission of such offences, or are suppressing material evidence of the commission of such offences, or have contravened a general order made under sub-section (1) of section 9, the State Government may by notification in the Official Gazette impose a collective fine on such inhabitants or class or section of inhabitants of that area.

(2) The Commissioner of Police in the City of Hyderabad and the Collector elsewhere may exercise the power conferred by sub-section (1) on the State Government.

(3) The State Government may make rules prescribing the manner in which an order made by the Commissioner of Police or the Collector shall be published.

(4) The State Government or the Commissioner of Police or the Collector, as the case may be, may by general or special order exempt any person or any class or section of such inhabitants from liability to pay any portion of any fine imposed under this section.

(5) The Commissioner of Police or the Collector, as the case may be, shall after such enquiry as he may deem necessary, apportion such fine in such manner as is deemed proper among the inhabitants who are liable collectively to pay it.

(6) In any such apportionment the Commissioner of Police or the Collector, as the case may be, may fix the fine to be paid by a joint or undivided family.

(7) The fine payable by any person (including a joint or undivided family) may be recovered—

(*a*) in the manner provided in the Code of Criminal Procedure, 1898, hereinafter referred to as the Code, for the recovery of fines imposed by a court, as if such fine were a fine imposed by a court:

Provided that the State Government may make rules under this Act regulating the manner in which warrants under section 386 of the Code are to be executed for recovering the fine imposed under this section, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(*b*) as arrears of land revenue.

(8) The State Government or the Commissioner of Police or the Collector, as the case may be, may, after making such inquiry as may be deemed necessary, refund either wholly or in part any fine paid by, or recovered from, any person under this section.

(9) The State Government may award compensation out of the proceeds of a fine realised under this section to any person to whom, in its opinion, damage in person or property has been caused by the unlawful acts of the inhabitants of the area.

Control of camps, parades, etc.

6. (1) The State Government may in the interests of public order by general or special order, prohibit or restrict in any area any exercise, movement, evolution or drill of a military nature specified in the order.

(2) With a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, the State Government may, by general or special order, prohibit, restrict or impose conditions on the holding of, or taking part in, any camp, parade, meeting, assembly or procession, by any class of persons or organisation specified in the order.

(3) If any person contravenes any order made under this section, he shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Control of publications, etc.

7. (1) If the State Government is satisfied that the bringing into the State, or the sale, distribution, circulation, publication or printing within the State of any matter relating to a particular subject or class of subjects will undermine the security of the State or tends to overthrow the State—

(*i*) it may, by order in writing, prohibit either absolutely or for a specified period the bringing into, or sale or distribution or circulation within the State of any newspaper, periodical, book or document specified in the order; or

(*ii*) it may, by order in writing, addressed to a printer, publisher, or editor, or to printers, publishers, or editors, generally—

(*a*) prohibit either absolutely or for a specified period the printing or publication of any matter relating to such subject or class of subjects in any particular issue or issues of a newspaper or periodical or in any other book or document;

(*b*) prohibit or regulate the making or publishing of any document or class of documents or of any matter relating to such subjects or class of subjects;

(*c*) prohibit or regulate the use of any press.

(2) (*a*) If any person contravenes any order made under sub-section (1), then without prejudice to any other proceeding which may be taken against such person, the State Government may declare to be forfeited to the State Government any copy of any newspaper, periodical, book or document bought, sold, distributed, circulated, printed, published or made in contravention of the order.

(*b*) If such newspaper, periodical, book or document was printed at a press within the State, the State Government may also direct such press to be forfeited to the State Government.

(3) If any person contravenes any order or direction made under this section he shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both.

(4) Any person having an interest in any press in respect of which an order has been made under sub-clause (*c*) of clause (*ii*) of sub-section (1), or under sub-section (2), may within two months from the date of such order apply to the High Court to set aside such order. Every such application shall be heard and decided in accordance with the procedure followed in regard to applications under section 34 of the Hyderabad Press Act, 1357 F.

Explanation.—For the purposes of this section "printer" includes a "keeper of a printing press" and "press" shall have the same meaning as is assigned to that word in the Hyderabad Press Act 1357 F.

Control of commodities, etc.

8. (1) If in the opinion of the State Government it is essential for the purposes of the security of the State or the maintenance of public order in the State or any part thereof to restrict the removal of any commodity, article or thing from the State or such part, the State Government may, by general or special order, direct that no person shall remove such commodity, article or thing from the State or without the permission in writing in the City of Hyderabad of the Commissioner of Police and elsewhere of the Collector:

Provided that nothing in this sub-section shall apply to any goods to which the Supply and Prices of Goods Act, 1950 (LXX of 1950) applies.

(2) If any person contravenes any order made under sub-section (1) he shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

Power to order persons to assist in restoring law and order and preserving property and to furnish information.

9. (1) The State Government may, in the interests of the security of the State, or of the maintenance of public order or of services essential to the life of the community, by general or special order, direct that the inhabitants within such area as may be specified in the order shall—

(*i*) assist in the maintenance or restoration of public order, or in the protection of property for such period and in such manner as may be specified in the said order,

(*ii*) furnish to any authority or person specified in the said order any information so specified, which is in their possession or of which they could with the exercise of due diligence become possessed.

(2) If any person contravenes any order made under sub-section (1) he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both:

Provided that any court convicting any person for such contravention shall, in determining the punishment to be awarded, take into account the amount, if any, apportioned on such person of any collective fine imposed under section 5.

Delegation of powers and duties of the State Government.

10. The State Government may by order direct that any power or duty which is conferred or imposed on the State Government by or under this Act shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by any officer or authority subordinate to it, not being in the opinion of the State Government below the rank of a Commissioner of Police or a Collector.

Presumption in prosecutions for contravention of orders and privileges of public officers not to disclose facts or to produce documents.

11. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of an order under this Act, on the production of an authentic copy of the order,

(1) it shall, until the contrary, is proved and the proving of which shall lie on the accused, be presumed—

(*a*) that the order was made by the authority competent under this Act to make it;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act; and

(2) no public officer shall be compelled to disclose any fact or to produce any document when he considers that the public interest would suffer by the disclosure of such fact or the production of such document although such fact or document may be relevant to any of the matters contained in the order.

Explanation.—For the purposes of this Act, an authentic copy of the order means a copy certified in a manner prescribed under section 76 of the Indian Evidence Act, 1872, or if this Act requires that the order be published in the Jarida, a copy of the Jarida relating to the publication of the order.

Publication and service of orders made under this Act.

12. (1) Save as otherwise provided by or under this Act, every order made under this Act shall—

(*a*) if it is an order of a general nature or affecting a class of persons, be published in such manner as may, in the opinion of the authority making it, be best adopted for informing the persons affected by the order;

(*b*) if it is an order affecting a corporation be served—

(*i*) on the Secretary or any Director, or other principal officer of the corporation; or

(*ii*) by leaving it or sending it by registered post addressed to the corporation at its registered office or if there is no registered office then at the place where the corporation carries on business;

(*c*) if it is an order affecting a firm, be served—

(*i*) upon any one or more of the partners, or

(*ii*) upon any person having, at the time of service, the control or management of the partnership business at the principal place at which such business is carried on within India; and

(*d*) if it is an order affecting an individual person other than a corporation or a firm, be served on the person—

(*i*) personally, by delivering or tendering to him the order, or

(*ii*) by registered post, or

(*iii*) when the person cannot be found, by leaving an authentic copy of the order with some adult male member of the family, or

(*iv*) by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

(2) Where the question arises whether a person was duly informed of an order made in pursuance of this Act, compliance with the requirements of sub-section (1) shall be a conclusive proof that he was informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

Power to arrest without warrant.

13. Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

Repeals and savings.

14. (1) The enactments specified in the following table are hereby repealed to the extent mentioned in the fourth column thereof:—

Enactments Repealed.

Year	No if any	Short title	Extent of repeal
1	2	3	4
1348 F.	XII	The Public Security Act.	The whole except— (1) Section (1) and Chapter III, (2) Section 2 to the extent to which it defines words and expressions used in Chapter III, and (3) Section 36 to the extent to which it applies to offences punishable under Chapter III.
1348 F.	..	The Defence of Hyderabad Regulation, 1348 F.	To the extent to which it enables rules to be made and enforced in relation to matters in respect of which powers are conferred by the Hyderabad Public Security Measures Act 1951.
1858 F.	VIII	The Public Safety and Public Interest Regulation.	The whole.

(2) Every notification issued, or appointment or order made under—

(*i*) the Public Safety and Public Interest Regulation (VIII of 1358 F.), or

(*ii*) a provision of the Public Security Act (XII of 1348 F.) repealed by sub-section (1), or

(*iii*) a rule included in the Defence of Hyderabad Rules which ceases to have effect by reason of the partial repeal of the Defence of Hyderabad Regulation, 1348 F., by sub-section (1),

which was in force immediately before the commencement of this Act, so far as it could validly have been issued or made under this Act, shall continue in force and be deemed to have been issued under this Act until it is superseded or modified by competent authority under this Act, and any proceeding under the said Regulation or Act or under any such rule pending on the date of coming into operation of this Act may be continued as if it were a proceeding under this Act.

Protection of action taken under this Act.

15. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

Power to make rules.

16. The State Government may by notification in the Jarida and subject to the condition of previous publication make rules to carry out the purposes of this Act.

Application of other laws not barred.

17. The provisions of this Act shall be in addition to and not in derogation of any other Act or Regulation for the time being in force.